



FH  
[REDACTED]

**STATE OF WISCONSIN  
Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

**DECISION**  
Case #: CCB - 175315

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**PRELIMINARY RECITALS**

Pursuant to a petition filed on July 5, 2016, under Wis. Admin. Code, §HA 3.03(4), to review a decision by Milwaukee Enrollment Services to discontinue child care assistance, a hearing was held on August 3, 2016, by telephone.

The issue for determination is whether petitioner's income is over the child care limit.

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

Respondent:

Department of Children and Families  
201 East Washington Avenue, Room G200  
Madison, WI 53703

By: [REDACTED]  
Milwaukee Enrollment Services  
1220 W. Vliet St.  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

Brian C. Schneider  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner received child care for her son. On June 19, 2016 petitioner reported an increase in her income. Her new monthly income amount was \$3,261.
3. By a notice dated July 5, 2016, the agency informed petitioner that child care would end August 1, 2016 because income was over the limit.

### **DISCUSSION**

A parent is eligible for child care services if she needs the care to attend Wisconsin Works (W-2) approved school, to work, or to participate in W-2 activities. Wis. Stat., §49.155(1m)(a); Wisconsin Shares Child Care Subsidy Policy Manual, §1.4.8. The agency must utilize gross income, and for an ongoing case, the income limit for a family is 200% of the federal poverty level. Wis. Stat., §49.155(1m)(c)1; Child Care Manual, §§1.5.1 and 1.5.1.2. 200% of poverty for a two-person household is \$2,670. DECE Operations Memo no. 14-05, dated February 21, 2014. Weekly income is multiplied by 4.3 to determine monthly income (because there are slightly more than four weeks in a month). Child Care Manual, §1.5.5.

Petitioner explained that her monthly expenses are high enough that she cannot afford the \$700 monthly for child care. I checked to see if I would have any discretion in a case such as hers. However, the use of gross income is mandated in the Wisconsin Statutes. Section 49.155(1m)(c)1 provides that an ongoing family is eligible if “the gross income of the individual’s family is at or below 200 percent of the poverty line for a family the size of the individual’s family.” Therefore I must uphold the discontinuance of child care because petitioner’s income rose above the 200% of poverty limit.

### **CONCLUSIONS OF LAW**

The county correctly discontinued child care because petitioner’s income rose above the income limit.

**THEREFORE, it is**

### **ORDERED**

That the petition for review is hereby dismissed.

### **REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

### **APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Children and Families, 201 East Washington Avenue, Room G200, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,  
Wisconsin, this 5th day of August, 2016

\s \_\_\_\_\_  
Brian C. Schneider  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

Brian Hayes, Administrator  
Suite 201  
5005 University Avenue  
Madison, WI 53705-5400

Telephone: (608) 266-3096  
FAX: (608) 264-9885  
email: [DHAmail@wisconsin.gov](mailto:DHAmail@wisconsin.gov)  
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on August 5, 2016.

Milwaukee Enrollment Services  
Child Care Benefits